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(Open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated 15th November, 1995

Original Application No.229 of 1987

QUORUM:-

Hon'ble Mr. S.Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

1. Shri A.M. Mathew,
Son of Shri P.M. Mathew,
Foreman, Controllerate of
Inspection (Instruments),
Raipur, Dehradun.
2. Shri K.S. Dhake, son of Shri
Hoshiyar Singh Dhake, Foreman,
Controllerate of Inspection
(Instruments), Raipur,
Dehradun.

(Shri Ashok Khare, Advocate)

..... Applicants

Versus

1. Union of India through Secretary
Ministry of Defence, New Delhi.
2. Director General of Inspection,
Department of Defence Production,
Ministry of Defence, New Delhi.
3. Controller, Controllerate of Inspection
(Instruments), Raipur, Dehradun.
4. Shri R.S. Gulati, Chief Draftsman,
Controllerate of Inspection (Instruments),
Raipur, Dehradun.
(Shri NB Singh).

..... Respondents

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O R D E R _ (_ O_R_A_L_)

By Hon'ble Mr. S. Das Gupta, A.M.

The Applicant in this case was a Foreman in the instrumentation discipline under the DGA Organisation. He has challenged an order dated 3-3-1987 (Annexure-4) by which the panel for promotion to post of Junior Scientific Assistant has been notified. He has prayed that the said panel be quashed and the Respondents be directed to fill the post of Junior Scientific Officers in accordance with the seniority list of Foreman and Chief Draftsmen prepared on the basis of date of appointment to the respective grades.

2. The post of Junior Scientific Assistant (JSO for short) in the DGA Organisation are filled in by promotion discipline wise. One of the disciplines is that of ~~the~~ instrumentation to which the Applicant belongs. There are several feeders categories ~~who~~ which qualifies for the post of JSO. In the instrumentation discipline there are two feeder categories. These are Foreman and Chief Draftsmen. The Applicant's grievance arises out of the fact that the Respondents have prepared a 20% roster for promotion to the posts of JSO allocating second and fourth position to the Chief Draftsman while the first, 3rd and 5th to 20th positions are allocated to the Foremen. The Applicant

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contends that such regularisation is arbitrary, depriving the Foremen ^{of} the benefit of promotion and also in contravention of the general principles of seniority enunciated by the Govt. of India under the Ministry of Home Affairs O.M. dated 22-12-1959 (Annexure-2), in accordance with which the promotions from different feeders categories are ~~involved~~ should be affected by preparing a combined list of seniority of the feeder categories based on their respective dates of holding of the feeder posts.

3. The respondents have clarified in their ~~rejoinder~~ ^{Counter} affidavit that the roster has been prepared on the basis ^{strength of} of the various feeder categories. In the Instrumentation Discipline ¹⁵ a number of post of JSO has been distributed between the two feeder categories of Foremen and Chief Draftsmen on the basis of the respective strength of these two categories. In that manner, in the 20 percent roster the share of the Foremen works out to 18 and that of the Chief Draftsmen to two. In the roster the first vacancy position has been allotted to the major category Foreman while the second and fourth position has been allocated to the Chief Draftsman which is a minor category so as to give adequate representation to this category. It has been stated that in any other distribution, the category of Chief Draftmen would have ^{been} left with very little avenue of promotion. It has been further stated
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that that since three vacancies arose, two of these went to the Foreman Category and one to the Chief Draftsman Category on the basis of roster point and accordingly the impugned panel was published.

4. The only controversy which falls for our consideration is whether the roster of the vacancies for promotion from the two feeder channels in the instrumentation Discipline is in any manner arbitrary or is in contravention of some existing instructions.

5. We have carefully considered the matter. We are of the view that the rationale adopted by the Respondents in allotting roster points to the two feeder channels is logical and gives adequate consideration to both feeder channels. We could not find anything arbitrary in the manner in which the vacancies are distributed. So far as the contravention of existing instruction is concerned, the Applicant has alleged that the general principle of seniority enunciated in the Ministry of Home Affairs O.M. dated 22-12-1959 have been violated. We have carefully gone through these instructions. In Annexure-2~~4~~ in Para 5(ii), it has been clearly stated that where promotions to a grade are made from more than one grades, the eligible persons ^{are} to be arranged in separate roster in order of their renumbered seniority in their respect ~~area~~ ^{grade}. Therefore, the DPC shall select

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persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different list in a consolidated order. Thus it is clear that contrary to what the Applicant has pointed out, separate seniority list has to be prepared for each feeder grade and promotion to each shall be given on the basis of the posts available in their respective quota and thereafter a combined panel is to be prepared. We find from the averments of the Respondents that this is exactly what has been done by them. We thus find no contravention of any existing instructions issued by the Govt. of India.

6. In view of the foregoing, we find no merits in the case and the same is dismissed accordingly. There shall be no order as to costs.

J. M. Mehta
Member (J)

W. R.
Member (A)

RBD/